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2
3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 * * *

6 UNITED STATES OF AMERICA,

Case No. 2:16-cr-00046-GMN-PAL

7 Plaintiff,

8 v.

ORDER

9 CLIVEN BUNDY, et al.,

(Mots. for Joinder – ECF No. 591, 593)

10 Defendants.

11 This matter is before the court on the Defendants Todd C. Engel and Gerald Delemus’
12 Motions for Joinder (ECF Nos. 591, 593) to Defendant Eric Parker’s Motion for Miscellaneous
13 Relief (ECF No. 496). These motions are referred to the undersigned pursuant to 28 U.S.C.
14 § 636(b)(1)(A) and LR IB 1-3 and 1-7 of the Local Rules of Practice. The court has considered
15 the motions.

16 Defendant Parker’s motion requested an order allowing possession of thumb and hard
17 drives at the Nevada Southern Detention Center in Pahrump, Nevada. The court entered an
18 Order (ECF No. 588) on Mr. Parker’s motion on July 8, 2016. The court asked the United States
19 Marshal Service (“USM”) to investigate and report on pretrial detainees’ access to electronic
20 discovery at the Pahrump detention center. The USM reported the detention facility’s policies
21 on access to discovery materials do not require a court order “to allow a detainee to have access
22 to removable media such as an external hard drive or thumb drives.” *Id.* at 2. However, the
23 detention center does require prior approval from the USM through Senior Inspector Steven
24 Carpenter to ensure that the requesting party is known to the USM as counsel of record who has
25 a legitimate need to provide a client with discovery via removable media. *Id.*¹ Although

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27 ¹ To obtain written approval for a client’s access to removable media (hard drives and thumb drives)
28 loaded with discovery, counsel should contact Senior Inspector Carpenter at 702-388-6355, who has
approved multiple requests of this nature. Court orders are not necessary.

1 detainees are not allowed to keep removable media in a cell or dormitory, they may access the
2 media on computers in the law library. *Id.* The law library has 17 computers, 13 of which also
3 have access to Lexis/Nexis. *Id.* Detainees are allowed access to the law library 25 hours per
4 week. *Id.* The USM also reported that requests of this nature can be addressed directly by the
5 detention center and/or the USM. *Id.* Thus, Mr. Parker's motion was granted to the extent that
6 counsel "shall follow the procedure outlined in th[e] order to request USMS written approval."

7 *Id.* Additionally, the court ordered all defense counsel in this case to comply with the following:

- 8 1. Counsel for the Defendants shall attempt to resolve requests for access to
9 discovery and attorney-client visits directly with [the detention center] and the
10 USMS before filing formal motions. Any motion for relief from this court
11 shall provide a certification that counsel made good faith efforts to resolve
12 issues of this nature without court intervention. The certification shall provide
13 the details of the dates, times, persons contacted, the substance of the
14 discussions, and result.
- 15 2. Failure to comply with the requirements of this order may result in summary
16 denial of any future motion making requests of this nature.

17 *Id.*

18 Here, Mr. Engel and Mr. Delemus' requests for relief lack the required certification of
19 counsel's good faith efforts to resolve their particular issues without the court's intervention.

20 Accordingly,

21 **IT IS ORDERED:**

- 22 1. Defendants Todd C. Engel and Gerald Delemus' Motions for Joinder (ECF Nos. 591,
23 593) to Defendant Eric Parker's Motion for Miscellaneous Relief are DENIED
24 without prejudice.
- 25 2. Defense counsel are instructed to comply with the court's July 8, 2016 Order (ECF
26 No. 588) before filing any future motion making requests of this nature.

27 Dated this 5th day of August, 2016.

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PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE